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REMARKS

Claims 1, 10, 14, and 18 have been amended. No new matter has been added. Claims 1 - 10, 12 - 14 and 16 - 21 remain pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the pending claims are allowable.

Claims 1 - 7, 10, 12 - 14 and 16 - 17 stand rejected under 35 U.S.C. § 102(b) as anticipated by Frisch (U.S. Patent 4,447,237).

In response to the argument that the slit valve 20 of Frisch opens only in response to the insertion therethrough of a cannula-trocar assembly, the Examiner asserts that "[i]f the fluid pressure is high enough, any slit valve can be opened by fluid pressure." Final Office Action at page 6. Applicants have amended the claims to recite that the fluid pressure is due to the pressure delivered by a dialysis machine. As stated in Frisch, the functional requirements of shunt valving slits are "quite severe in that they must provide a positive seal when in a closed condition, which seal must remain effective during the entire period when the shunt device is implanted." (Specification, col. 2, lines 3 - 7). Thus, the slit valve 20 of Frisch does not open in response to fluid pressure caused by a dialysis machine, since that would defeat the purpose of Frisch to open the slit valve 20 only in response to the insertion of a solid object such as the cannula-trocar assembly. Because claims 2 - 7 depend from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

As for claims 10 and 14 and their dependent claims, these claims are patentable for the reasons given above.

Claims 18 and 21 stand rejected under 35 U.S.C. § 102(b) as anticipated by Steigerwald

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(U.S. Patent 5,009,391).

Claim 18 has been amended the same way as the other independent claims. Steigerwald describes a valve assembly which opens only when a catheter is slidably received therethrough. Similar to Frisch, the valve of Steigerwald does not open in response to a fluid pressure within the lumen caused by a dialysis machine. Thus, it is respectfully submitted that any opening of either of the valve members 76 and 82 due to recited fluid pressure is completely contrary to the purpose of the device of Steigerwald and is in no way shown or suggested by this patent. Because claim 21 depends from, and, therefore, include all of the limitations of claim 18, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as obvious over Frisch in view of Steigerwald. These claims are allowable for the same reasons stated above in regard to claim 1.

Claims 19 and 20 stand rejected under 35 U.S.C. § 102(b) as obvious over Steigerwald in view of Frisch. Applicants submit that claims 19 and 20 are allowable for the same reasons stated above in regard to claim 18.

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CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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